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In re Application of :
EROMA, Olli-Pekka *et al* :
U.S. Application No.: 10/035,476 :
Filing Date: 25 October 2001 :
Attorney Docket No.: 85940/18 :
For: PROCESS FOR THE SIMULTANEOUS :
PRODUCTION OF XYLITOL AND :
ETHANOL :

DECISION

This decision is in response to applicants' "Petition to Correct Filing Receipt" submitted 03 March 2003 which has been treated as a petition under 37 CFR 1.181 and is hereby **DISMISSED** as follows:

Applicants request correction of the filing receipt in the above-captioned application due to an error in the "Domestic Priority" data. Specifically, applicants' claim that the filing date of U.S. application No. 07/910,133 is 14 July 1992, not 14 July 1993 as listed on the filing receipt.

It is first noted that the date in the filing date portion on the filing receipt of a national stage application is the date upon which applicants complete the requirements under 35 U.S.C. 371(c). MPEP § 1895.01. A review of U.S. application No. 08/928,893, which is a continuation of U.S. application No. 07/910,133, reveals that a Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495 (Form PCT/DO/EO/903) was mailed in U.S. application No. 07/910,133 on 01 February 1993. The Form PCT/DO/EO/903 indicated a completion of 35 USC 371 requirements date and a 35 U.S.C. 102(e) date of 09 September 1992.

This date of 09 September 1992 would have been the date listed on the filing receipt of the above-identified U.S. application as the filing date for U.S. application No. 07/910,133 except that the Form PCT/DO/EO/903 mailed on 01 February 1993 was vacated and rescinded with a decision dated 04 January 1994 because the declaration filed 09 September 1992 in U.S. application No. 07/910,133 did not satisfy the requirements of 35 U.S.C. 371(c)(4) in that it did not properly identify the specification to which it was directed as required by 37 CFR 1.63(a)(2).

Consequently, U.S. application No. 07/910,133 was abandoned on 15 September 1992 and was not revived until the filing of a conditional petition to revive (which was accompanied with a supplemental declaration) on 14 July 1993. The 04 January 1994 decision also directed the DO/EO/US to mail a Notification of Acceptance of Application under 35 U.S.C. 371 (Form PCT/DO/EO/903) on 28 October 1999 listing

a 35 U.S.C. 102(e) and 371(c) date of **14 July 1993**. This is the date properly listed on the filing receipt of the above-captioned application as the filing date of U.S. application No. 07/910,133 pursuant to the requirements of the MPEP. *See above.*

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.181."

Applicants are advised that the Office changed its correspondence address. Any further correspondence with respect to this matter deposited with the United States Postal Service should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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